IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2793 OF 2007

Dhanaji Sarjerao More ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.P.B. Kakade for the Petitioner.
Mr.A.H. Palekar,AGP for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 27TH APRIL, 2007.

P.C. :

1. This Petition filed under Article 226 of the Constitution of India takes exception to the order dated 7.3.2007 passed by the Scheduled Tribe Scrutiny Committee, Pune Region, Pune by which order the Petitioner's caste claim as belonging to Mahadeo Koli has been rejected. The Petitioner is presently working as Senior Head Master at Zilla Parishad School, Sarde, Taluka Phaltan District Satara. The said promotion was granted to the Petitioner some time in the year 2000. Prior to this, the Petitioner's caste certificate was forwarded to the Scrutiny Committee for verification some time in the year 1999.

2. The Petitioner in support of his caste claim,

relied upon various documents, like school leaving certificate, birth extract, extract from the school general register and caste certificates issued to the Petitioner's near relations. The Vigilance Officer submitted the enquiry report to the Committee on 29.9.1999. What is significant to note from the point of above Petition is that in so far as the Petitioner's elder brother is concerned, the primary school admission extract disclosed his caste as Hindu Koli. In so far as the Petitioner is concerned, the said school extract discloses his caste as Hindu Koli (Mahadeo). The Vigilance Officer has reported that the word "Mahadeo" is written in different ink and in different hand-writing and bracketed. The Petitioner was given a copy of the enquiry report but in spite of numerous opportunities which the Petitioner had himself sought, the Petitioner did not file his say to the said enquiry report.

3. The Committee vide its letter dated 8.7.2006 had also directed the Petitioner to submit documents in support of his tribe claim but the Petitioner had failed to submit any documents. The Committee in the said circumstances, was forced to proceed with the issue of the scrutiny of the Petitioner's caste claim. It is pertinent to note that the Petitioner also did

not appear before the Committee for personal hearing.

4. The Committee considered the documents filed by the Petitioner. As far as the caste certificates are concerned, the Committee rightly observed that the same could not be relied upon as the said certificates are subject to scrutiny and the said certificates cannot be treated as conclusive proof to determine the tribe claim of the Petitioner. In so far as the documents mentioned in paragraph 2 of the order of the Committee, the Committee was of the view that since the documents are of the recent period that is after passing of the first Presidential Order, their probative value was less. The Committee also considered the birth extract of a male child born to Sarjerao, i.e. the Petitioner's father, whose caste was shown as Koli. The Committee was of the view that since it is one of the oldest documents, same carried more probative value. In so far as 7/12 extract produced by the Petitioner in respect of one Sarjerao More, since the caste was not mentioned therein, the same could not be considered in support of the Petitioner's tribe claim.

. It is significant to note that in the written statement before the enquiry officer, the Petitioner

stated that he is unaware of the traits, characteristics and customs of Mahadeo Koli, Scheduled Tribe and therefore, the Committee came to the conclusion that the Petitioner had failed to prove his affinity towards Mahadeo Koli, Scheduled Tribe.

. The Committee has also observed that the Petitioner or his ancestors were not permanently residing in the villages which were tribe area, declared by the Government of India for Mahadeo Koli, Scheduled Tribe. The Committee therefore came to a conclusion that the Petitioner had failed to prove his caste claim as belonging to Mahadeo Koli and therefore, rejected the Petitioner’s case.

5. We have gone through the findings of the Committee. The conclusions drawn by the Committee could not be faulted with in the light of the documents and the failure of the Petitioner to prove his affinity, towards Mahadeo Koli. In the said circumstances, we are of the view that no case is made out for interference with the impugned order dated 7.3.2007. The Petition is therefore summarily dismissed.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)